

AUG 31 2020

8/17/20

Re; Case 4:19-cv-05041, Lilly Anne Hopkins v. Lorie Davis, et al. **David J. Bradley, Clerk of Court**

To The Clerk Of The Court,

I am sending two seperate envelopes due to the large number of Documents being sent. The first folder contains:

Memorandum and Index accompanying 1st set of Documents/Exhibits in Supplement of Plaintiff's Amended Complaint, and Documents #1-19

The second folder contains;

Documents 20-41, and Document 42/Exhibit 1

Please note, some of the documents are two sided. I do not have access to a copier to make all the documents one sided. However, each document contains a cover sheet which notes whether the document is one or two sided.

Please let me know if you have any questions or if there are any issues.

Thank You,

Lilly Anne Hopkins

Lilly Anne Hopkins

Lilly Anne Hopkins, AKA

Samuel Hopkins, TDCJ #1986831

Connally Unit

899 FM 632

Kenedy, TX 78119

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

**United States District Court
Southern District of Texas
FILED**

AUG 31 2020

David J. Bradley, Clerk of Court

LILLY ANNE HOPKINS, A.K.A.,
SAMUEL HOPKINS, TDCJ #1986831

Plaintiff,

v.

LORIE DAVIS, et al.,

Defendants.

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CIVIL ACTION NO. 4:19-cv-05041

MEMORANDUM AND INDEX ACCOMPANYING 1ST SET OF DOCUMENTS/EXHIBITS
IN SUPPLEMENT OF PLAINTIFF'S AMENDED COMPLAINT

1. Each Document and or Exhibit is accompanied by a Document cover sheet. Per court instruction to me the Document Cover Sheet has the case number (4:19-cv-05041) on it. Some documents are double sided and I have typically indicated this on the cover sheet. This Memorandum will serve to both list the documents/exhibits being submitted and to link them to the related facts/assertions they support.

INDEX OF DOCUMENTS/EXHIBITS

DOCUMENT # DOCUMENT DESCRIPTION

1	Medical Record (MR) 1/28/16 09:55
2	MR 2/16/16 11:30
3	MR 2/23/16 08:52
4	MR 3/14/16 16:06
5	MR 3/14/16 20:47
6	MR 3/14/16 20:58
7	MR 3/31/16 14:01
8	MR 4/1/16 15:26
9	MR 6/24/16 13:31
10	MR 6/24/16 14:15
11	MR 6/30/16 11:28

<u>DOCUMENT #</u>	<u>DOCUMENT DESCRIPTION</u>
12	MR 7/15/16
13	MR 12/12/16 12:31
14	MR 1/31/18 20:41 and Labs
15	MR 8/30/18 12:13
16	MR 10/30/2018 08:29
17	MR 11/30/2018 08:42
18	MR 1/30/19 14:49 and Labs
19	MR 4/26/19 11:51
20	MR 4/30/19 15:51
21	MR 5/2/19 15:34
22	MR 5/7/19 09:27
23	MR 7/30/19 13:54
24	MR 2/12/20 14:45
25	Grievance #2019043975
26	Grievance #2019076803
27	Grievance #2019125319
28	Grievance #2019094320
29	Grievance #2019117999
30	MR 1/25/16 Sick Call Request
31	MR 11/13/2019 14:16
32	MR 02/06/2020 10:40
33	MR 03/05/2020 15:09
34	MR 03/10/2020 08:08
35	MR 04/24/2020 10:39
36	Declaration of Rashida-Marie Hopkins
37	Autocastration and Autopenectomy as Surgical Self-Treatment in Incarcerated Persons with Gender Identity Disorder.

<u>DOCUMENT #</u>	<u>DOCUMENT DESCRIPTION</u>
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37, CONTINUED	George R. Brown. International Journal of Transgenderism, 2010
38	American Medical Association Resolution 122 (A-08)
39	Correctional Managed Health Care Policy G-51.11
40	National Commission on Correctional Health Care Position Statement
41	World Professional Association of Transgender Health's Standards of Care
42 (Exhibit 1)	TDCJ Offender Orientation Handbook rev. Feb 2017

MEMORANDUM

2 To ease readership I will present the facts or assertions of the Amended Statement of Claim in the order in which they were presented.

3. That the Gender Specialists have recognized Plaintiff as a Transgender Woman and have adopted the use of female pronouns is supported by Documents; 18, 19, and 23.

4. There is confusion of when I was documented with a reported history of gender dysphoria (GD). I mailed a sick call on 1/26/2016, see document 30, however it wasn't formally input into the system for 2 days, see document 2. I apologize for the immaterial discrepancy.

5. I was formally diagnosed with GD on 10/10/2016 per document 13.

6. In Paragraph (Par.) 2 of the amended complaint I described just some of the consequences if GD is left untreated. Support may be found in Document (Doc) 38.

7. In Par. 3 of the Amended Complaint I described living part time as a female from 2003 up until my incarceration in 2012. In addition to my own words My wife at the then time has attested to this in a self sworn declaration, see Doc. 36.

8. ~~There is no evidence that Plaintiff has been diagnosed with gender dysphoria (GD) or that Plaintiff has been treated for GD. Plaintiff's claim that she has been treated for GD is unsupported by the evidence.~~

8. In Par. 4 of the Amended Complaint (Am.Comp.) I mentioned a reported history of suicide attempts. The pre TDCJ suicide attempts were documented in Doc.'s 12 and 18.

9. In Par. 4 of the Am.Comp. I said that I had sought HRT from TDCJ in January of 2016. This is documented in Doc.'s 1, 2, 3, and 30.

10. In Par. 4 I outlined some of the consequences of lack of initiation of hormones when medically necessary. Support for this can be found in Doc.'s 37, and page 68 of Doc. 41.

11. In Par. 5 of the Am.Comp. I stated that I castrated myself, support for this can be found in Doc.'s 4, 5, 6, 7, and 8.

12. In Par. 8 of the Am.Comp. I stated that castration in my case eliminated the need for testosterone blockers, this can be shown by Doc. 14.

13. In Par. 8 of the Am.Comp. I stated that my testosterone is low by female standards. Doc. 14 shows this and the baseline for what is typical by female standards. Subsequent labs in Doc.'s 18, 19, 23, and 24 confirm the levels.

14. In Par. 10 of the Am.Comp. I stated that following castration I went to a mental hospital and there continued to seek help for gender issues. See Doc 's 4-8.

15. In Par. 10 of the Am.Comp. I stated that after release from skyview (mental hospital) I faced going back to a place that was not helping me with GD and in fact exacerbated my condition. This is supported by Doc.'s 9 and 10 (showing that I faced going back).

16. In Par. 10 of the Am.Comp. I stated that I then made a suicide attempt slicing my jugular veins using a razor blade. This can be shown in Doc.'s 10 and 11. Doc. 11 on page 2 confirms that I got

the jugular veins.

17. Par. 11 of the Am.Comp. states that I was formally diagnosed with GD on October 10th, 2016. This can be shown in Doc. 13, page 1 middle of the page.

18 In Par. 11 of the AmComp. I stated that I was started on HRT December 12th, 2016 This can be shown in Doc. 13.

19. In Par. 11 of the Am.Comp. I described Correction Managed Health Care Policy G-51.11 and that it provides for one treatment and one treatment only, HRT. Document 39 contains a copy of this Policy.

20. In Par. 12 of the Am Comp. I have stated that the Gender Specialists have noted the need for additional care. This was shown in Doc.'s 16 and 18.

21 In Par. 12 I have noted some of the things that a Treatment Plan could involve. Support for this can be found in Doc. 41.

22. In Par. 13 of the Am.Comp. I stated that "Beginning in 2018 and continuing to present the GD Specialists have noted self-harm, self-mutilation, and suicidal ideation in me regarding gender role and expression and have noted that I could benefit from being able to express myself as female". This can be shown in Doc.'s 16, 18, 19 and 24.

23. In Par. 13 of the Am Comp. I stated that being able to express myself as female (female gender role and expression) is the very first treatment option listed in the World Professional Association of Transgender Health (WPATH) Standards of Care (SOC). This can be shown in Doc. 41 page 9..

24. I stated in Par. 14 that the Gender Specialists are not able to develop an individual treatment plan (ITP) under G-51.11. This can

be shown in Doc. 22 and 39 which show that HRT is the only treatment option listed and when I tried to implement the recommended care I was told that medical could not provide it and they referred it as something I would have to address with security as they set the policies. This can also be shown in Doc. 22 and 26.

25. In Par. 14 of the Am. Comp. I stated that the GD Specialist Dr. Gordon even brought my case before the Head of TDCJ Psychiatry, Defendant Dr. Joseph Penn, this can be shown in Doc.'s 18 and 24.

26. In Par. 14 of the Am. Comp. I stated that "as of yet there is no full treatment plan" that they "have noted some of what treatment would help me and it has stopped there, even that is not being implemented. This can be shown in Doc.'s 16, 18, and 24.

27. In Par. 15 of the Am. Comp. I stated that Dozier noted that I could benefit from being able to express myself as female. This is shown in 16. Dozier is one of the two Gender Specialists I see.

28. In Par. 15 of the Am. Comp. I stated that Dr. Gordon, the other of the two Gender Specialists, noted that I have increased Dysphoria related to Gender Expression. This can be shown in Doc.'s 18 and 24.

29. This is repetitive, but also in Par. 15 I again stated that Dr. Gordon brought my case before the head of TDCJ Psychiatry, Dr. Joseph Penn in light of the significant distress I am experiencing relating to gender expression, and that again the care is not being provided. That is shown in Doc.'s 18 and 24.

30. In Par. 16 of the Am. Comp. I stated that I sought to have the recommended care provided, that a Dr. tried to provide this care but the system would not allow it, and that I grieved it and they relied on TDCJ Policies. This can be shown in Doc.'s 31, 25, and 26.

31. In Par. 16 of the Am.Comp. I stated that after grieving medical I was told to address my issues through TDCJ channels. I did this through Grievances, see Doc.'s 27, 28, and 29. They relied upon TDCJ Policies set forth by Defendant Lorie Davis.

32. In Par. 16 of the Am.Comp. I stated that Lorie Davis is responsible for the TDCJ Policies which were relied upon in the denial of my care. That Lorie Davis as responsible for these policies can be shown through Texas Government Code § 493.004 and § 494.002 and Doc. 42 (Exhibit 1) which is the TDCJ Offender Orientation Handbook. That information is available on the Cover of the Handbook.

33. What Gender Expression has included per the Gender Specialists can be shown in Doc.'s 16 (hair and female garb), 18 (hair, makeup, and clothing). See also Doc 24 where I, subsequent to the lawsuit, asked them to note what grooming and clothing would benefit me and the discussion focused more on my preferences but did note forced haircuts triggers worsening self harm and increased thoughts of suicide. At that time my case was again brought before Defendant Dr. Joseph Penn and it was also recommended that I get counseling as I was at a particularly high risk of suicide. Nothing was done to stop me being forced to groom as a man and I did not received recommended counseling. Less than a month later following being ordered to once again groom as a man I lost it and attempted suicide by slitting my wrist, slitting my arm from wrist to elbow, then slitting across the elbow slicing up the antecubital. This can be shown in Doc.'s 33, 34, and 35.

34. In par. 19 of the Am.Comp. I stated that I am forced to dress in male clothing and comply with male grooming standards. This can be shown in Doc.'s 21, 27, 28, and 29.

35. In Par. 18 of the Am.Comp. I stated that hair and clothing ~~are~~ are in the record as causing me the most distress. That is to say being forced to dress and groom as a man and being prevented from dressing and grooming as any other female inmate would. This can be shown in the record in Doc.'s 15, 16, 18, 19, 20, 21, 23, 24, 34 and 35.

36. In Par. 20 of the Am.Comp. I stated that "Cisgender prisoners, that is prisoners whose gender identity corresponds to their sex assigned at birth are allowed to dress and groom in a way that reflects their gender identity" that "[t]hey aren't forced to endure the humiliation of forced cross gender expression." This can be shown in Doc. 27 and Doc. 42.

37. In par. 22 of the Am.Comp. I stated that I self harm after being forced to groom as a man. This can be shown in Doc.'s 15, 16, 19, 20, 24, and 31-35.

38. In Par. 24 of the Am.Comp. I stated that TDCJ has female clothing and grooming standards. While this is rather self explanatory it can be shown in Document 42/Exhibit 1. I can provide additional suport upon request. As it was mentioned in the previous paragraph Par. 23. of the Am.Comp. I have even refused to wear the provided male boxers if that is an option, this was recorded in Doc 16. And as evidenced by the numerous times I have been ordered to cut my hair and the resulting self harm (see par.35 of this document) I am also attempting as much as is possible to groom as a female.

39. In Par. 25 of the Am.Comp. I stated the GD Specialists and Dr. Penn are aware that the imposition of male grooming and clothing eradicates my female gender role and expression causing distress, actual harm through self-harm and self-mutilation, and a substantial

risk of serious harm through suicidal ideation. This has been documented in my medical record. See Par. 22 and 37 of this document.

40. Finally, in par. 26 of the Am.Comp. I stated that I am asking that they make an individual determination of what my needs are. While the lawsuit itself is asking this, it can be shown in Doc.'s 16 and 18 that they have already identified some things that would help me (though they weren't provided). And following this lawsuit I asked explicitly at my last appointment with the GD Specialists that they please identify in the record what would help me, see Doc. 24.

41. This document contains information that occurred subsequent to the filing of the first amended complaint. Accordingly I declare under penalty of perjury that all facts presented in this document and attachment hereto are and correct to the best of my knowledge.

EXECUTED on August 15th 2020

Lilly Anne Hopkins AKA Samuel Hopkins

Lilly Anne Hopkins AKA Samuel Hopkins

Respectfully Submitted,

By Lilly Anne Hopkins AKA Samuel Hopkins TDCJ# 1986831

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